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EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT	PAPER NUMBER
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2653

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DATE MAILED: 09/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/131,941

Applicant(s)

ISHII ET AL.

Examiner

Aristotelis M Psitos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-15 and 44-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) all is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Applicants' response of 6/19/03 has been considered with the following results.

Claim Rejections - 35 U.S.C. § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 14-15, 44-69 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This is a NEW MATTER REJECTION. The claims now recite "partial recording information area where partial recording information " is recorded. The examiner cannot readily ascertain where in the specification as originally filed support for such language exists. The dependent claims do not clear up the above and fall with their respective parent claims.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 4-15, 44-69 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. The examiner is having difficulty in mapping the claim terminology with the remainder of the specification and the accompanying figures. The examiner respectfully requests applicants' cooperation in identifying the claimed terminology accordingly.

In addition, as interpreted by the examiner the "aggregate" attribute information area is normally designated as data management area within the TOC area of both DVD and CD formats. Hence the examiner concludes that this is indeed one and the same.

Additionally, as recited the recording information area comprises of two additional areas; the not understood (nor found) "partial recording information area" and a control data area. The first includes "unit" audio information, which the examiner interprets as a numerical value (logical value). The second

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area includes attribute information for the "partial recording information". This is not understood and further explanation is respectfully requested. The claim then continues to recite a collective recording (not understood) of the unit audio information attribute information. The examiner does not understand the distinction between the claimed "unit" audio attribute information and the "partial" recording information, which includes the unit audio information. This is then further compounded in those dependent claims (such as 48), which then continue to define the partial recording information attribute information as comprising "the unit audio information attribute information". The examiner concludes that while applicants and their representative can differentiate among this language, such is not the case with the present examiner. Hence, applicants' are respectfully requested in MAPPING the claimed terminology to those locations in the specification AND DRAWINGS that match the above terminology so a CLEAR and UNAMBIGUIOUS understanding of the claims can be ascertained.

AS FAR AS THE CLAIMS RECITE POSITIVE LIMITATIONS AND ARE UNDERSTOOD BY THE EXAMINER THE FOLLOWING ART REJCTIONS ARE MADE.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 4-15, 44-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heo considered with Yonemitsu et al.

With respect to independent claims 4, 7, 10 and 13 (apparatus claims 4 & 7 and method claims 10 and 13), Heo depicts in col. 3 lines 25 + audio stream attribute information (a table). Audio title information management table is found in col. 12 lines 22 plus and this is interpreted as the aggregate attribute information.

In addition with respect to dependent claims 46, 47, 54, 55, 62 and 63 the unit audio information attribute information is as depicted in table 12 (sampling frequency and a quantization bit number which meets the limitations of these dependent claims).

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With respect to claim 4, obviously there is inherently present a reading unit (to read the information), a storage unit (to store the attribute information read), input unit from the user (to selectively receive a reproduction instruction such as play), and a reproducing unit. This reproducing unit must be able to obtain the attributes corresponding to each of the audio units, determining whether or not such attributes are identical or not, and the attribute change unit, so as to reproduce the next unit audio information. Without such elements, the system above would not be able to reproduce the audio information found on the record medium.

With respect to claims 5, 8, 11 and 14, there is also inherently present a search unit to move the reading unit to the appropriate location on the record so as to reproduce the information. Again, without such, no reproduction would be performed.

With respect to claims 6, 9, 12 and 15 as far as the examiner can ascertain from the Heo reference, the record medium is read, hence a reading unit exists, the information read is stored, hence a storage unit exists, input from a user for reproduction is provided from, hence an input unit exists, because attributes for the audio information is changed/capable of changing between audio modes, not only must there be a reproducing unit, but an obtaining unit, a determining unit and an attribute changing unit present in Heo. By necessity the time limitation as recited in claim 6 are present, that is there must be sufficient time to provide for the system to reflect the change in the attribute information so as to properly reproduce the audio information.

As part of the overall system controller's responsibility, appropriate decoding of the selected audio tracks containing the audio information is inherently present. When the information is changed,

The controller inherently instructs the appropriate servo unit to move the reproducing unit to the next audio track/pack/segment/section/location in the sequence of information to be reproduced as instructed by the user through his input. Accordingly, there is a delay capability present in order for the mechanics to catch up with the electronics. The attributes of each audio segment is checked in order for the audio information to be properly decoded, and inherently if such attributes are not the same appropriate

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In addition, with respect to claims 45 and 53, because Heo discusses the ability of having a management areas for the appropriate signals, the examiner concludes that the placing of the aggregate attribute information in such is inherently present.

The appropriate start and stop address and playing time is taught by the Yonemitsu et al reference, see his discussion with respect to sector start and end addresses, and playing time starting at col. 15 line 1 plus. Hence the additional limitations as defined by dependent claims 48 –51, 55-59 and 63-67 are considered met.

It would have been obvious to modify the base system of Heo with the above teaching from Yonemitsu et al; motivation is to provide for such routine information along with other management information in the TOC area.

If applicants' can convince the examiner that no delay as required by claims 6, 9, 12 and 15 is not present in the above Heo et al system, then the examiner would rely upon Yamamoto et al to teach such. – permit the selection of appropriately designated locations to reproduce the desired audio segments.

With respect to Yamamoto, see figure 14.as further analyzed on pages 5 & 6 of the Office action dated 4/14/2000.

It would have been obvious to one of ordinary skill in the art to modify the base reference of Heo & Yonemitsu et al with the teaching(s) from Yamamoto et al include the appropriate capability of selecting the designated information track for the proper audio output to be decoded in order of playback in accordance with the change in attributes.

Claims 10-15, 60-67 are drawn to the method of operating the apparatus of claims 4-9 and hence are present/met when the above system operates.

With respect to independent claims 44,52, 68 & 69, claim 44 recites just the record medium and as such is met by the above combined references. Claim 52 includes reproducing elements as discussed above with respect to claim 4 and hence is met. With respect to the last claims (apparatus and method thereof), the above system must have the appropriate generating devices (first and second) to generate

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the appropriate unit audio information, control data, attribute information etc. as well as the recording element to record such.

With respect to claims 45 and 53 if applicants can convince the examiner that the positioning of aggregate attribute information area within a management information area is not inherently present in the above Heo or combined Heo –Yonemitsu et al system, then the examiner would further rely upon the additional teaching from Hui, which depicts in this environment the ability of having both a directory and index area, interpreted as the location for the unit audio information (aggregate) and the control data.

It would have been obvious to modify the base system of Heo with the additional teaching from Hui in order to provide for separate management data areas, such as that indicative of directors and indexes (folders, subfolders) to appropriately segment the management data into regions wherein supervisory control is handled on a priority bases, such as titles, overall control information to designate appropriate hardware configurations into a directory and subsequent control information such as start and stop and any additional information so as to provide for a faster system response time.

Hard copies of the application files are now separated from this examining corps; hence the examiner can answer no questions that require a review of the file without sufficient lead-time.

Any inquiries concerning missing papers/references, etc. must be directed to Group 2600 Customer Services at (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M Psitos whose telephone number is (703) 308-1598. The examiner can normally be reached on M-Thursday 8 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Aristotelis M Psitos
Primary Examiner

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AMP

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